The Honorable Thomas S. Zilly 1 2 3 4 5 6 UNITED STATES DISTRICT COURT 7 WESTERN DISTRICT OF WASHINGTON AT SEATTLE 8 9 AARON CLAXTON, No. 2:07-cv-00491-TSZ 10 Plaintiff, **DECLARATION OF LEMBHARD** G. HOWELL IN SUPPORT OF THE 11 PARTIES' STIPULATED MOTION VS. TO RE-NOTE DEFENDANTS' 12 **MOTION FOR SUMMARY** THE CITY OF SEATTLE, a Municipal Corporation; SEATTLE POLICE **JUDGMENT** 13 DEPARTMENT; and SEATTLE POLICE OFFICER DYMENT; and SEATTLE POLICE 14 OFFICER SAUSMAN, 15 Defendants. 16 17 Lembhard G. Howell states and declares: 1. I am the attorney for plaintiff Aaron Claxton in this case. 18 2. On January 8, 2008 I electronically filed and served my notice of unavailability which 19 gave notice that I will be away from my office from January 23, 2008 through 20 February 7, 2008. 21 3. Defendants electronically filed and served their Motion for Summary Judgment on 22 January 8, 2008. Defendants noted the motion for February 1, 2008. 23 24 DECLARATION OF LEMBHARD G. HOWELL Law Offices of RE: STIPULATED MOTION TO RE-NOTE Lembhard G. Howell, P.S. NO. 2:07-cv-00491-TSZ PAGE 1 Pacific Building, Suite 2105

Seattle, Washington 98104 (206) 623-5296

1	4. Defendants later realized that plaintiff's counsel I had filed my Notice of
2	Unavailability and contacted me to offer to re-note the hearing on the motion for
3	summary judgment for a time when I would be in my office.
4	5. The parties have agreed that plaintiff will have sufficient time to respond to
5	defendants' motion by February 15, 2008.
6	6. The parties have agreed that the hearing on the motion should be re-noted to Februa
7	22, 2008.
8	I certify under penalty of perjury of the laws of the State of Washington and the United
9	States that the foregoing is true and correct. Dated this 15 th day of January, 2008 at Seattle,
10	Washington.
11	_/s/ Lembhard G. Howell Lembhard G. Howell
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DECLARATION OF LEMBHARD G. HOWELL RE: STIPULATED MOTION TO RE-NOTE NO. 2:07-cv-00491-TSZ PAGE 2